

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION TWENTY-FIVE

NATIONAL STARCH AND CHEMICAL CO.

Employer

and

Case 25-UC-226

PACE LOCAL 6-0706

Petitioner

**DECISION AND ORDER**

Upon a petition filed under Section 9(b) of the National Labor Relations Act, as amended, careful investigation and consideration took place.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned Regional Director.

Upon the entire record in this proceeding, the Regional Director finds:

- (1) The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
- (2) The Petitioner proposes to clarify the bargaining unit by the addition of the employees working at Sataria Distribution & Packaging, Inc.'s, Plainfield, Indiana, facility to an existing unit of employees working at National Starch & Chemical Co.'s Indianapolis, Indiana, facility.
- (3) Clarification of the bargaining unit is not warranted inasmuch as evidence adduced during the investigation of the above petition was insufficient to establish that National Starch & Chemical Co. (hereafter National) and Sataria Distribution & Packaging, Inc. (hereafter Sataria) are joint employers, alter-egos, or a single, integrated enterprise. Thus, the Sataria employees would not be an appropriate accretion to the existing unit of employees covered under the collective bargaining agreement between the Petitioner and

National. Further, even assuming, *arguendo*, that National and Sataria were joint employers, alter-egos, or a single, integrated enterprise, I have concluded that an accretion is still inappropriate for the following reasons. An accretion is the addition of a relatively small group of employees to a larger, existing bargaining unit, where the additional employees share a community of interest with unit members and lack a separate identity, *Safeway Stores, Inc.*, 276 NLRB 944, 948 (1985). In determining whether a group of employees constitute an accretion to an existing unit, the Board considers various factors, including the extent of employee interchange, common supervision, centralized control of labor relations, the centralization of administrative control, the degree of operational integration, the geographic proximity of work sites, the similarity of employee skills, functions and working conditions, collective-bargaining history, and the number of employees to be accreted in comparison to the size of the existing unit. Here, the Petitioner seeks to accrete approximately 50 employees at the Sataria warehouse to an existing unit of approximately 400 National employees. With the exception of a certain similarity of skills, functions and some working conditions of the National and Sataria employees, evidence submitted on the remaining factors does not support a finding of accretion. Finally, and perhaps most significantly, National has a history of subcontracting portions of its warehouse and shipping functions to various contractors, including a two and one-half year history of subcontracting warehouse and shipping functions to Sataria, a time frame that precedes the most recent contract negotiations between the Petitioner and National during 2003. In such circumstances, a unit clarification petition is not appropriate. *Bethlehem Steel Corporation*, 329 NLRB 243 (1999). Accordingly, based on all evidence submitted, I have concluded that the petition should be dismissed.

### **ORDER**

The petition filed in this matter is dismissed.

### **RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the

Executive Secretary, 1099 14th Street N.W., Washington, DC 20570. This request must be received by the Board in Washington by May 27, 2004.

Dated at Indianapolis, Indiana this 13<sup>th</sup> day of May, 2004.

/s/Rik Lineback  
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Regional Director  
National Labor Relations Board  
Region Twenty-five  
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